



Planning Commission

1 **FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **March 21, 2018**

3 The meeting was called to order at 7:05 p.m.

4 **Location:** North Berkeley Senior Center, Berkeley, CA

5 **Commissioners Present:** Steve Martinot, Benjamin Beach, Robb William Kapla (left at 8:33),
6 Christine Schildt, Jeff Vincent, Rob Wrenn, Prakash Pinto, Benjamin Fong, Mary Kay Lacey
7 (arrived at 7:13).

8 **Commissioners Absent:** None.

9 **Staff Present:** Alex Amoroso, Alene Pearson, and Sydney Stephenson.

10 **ORDER OF AGENDA:** No changes.

11 **CONSENT CALENDAR:** None.

12 **PUBLIC COMMENT PERIOD:** 8 speakers.

13 **PLANNING STAFF REPORT:** The amendments to the development standards for R-1A will be
14 presented to Council on March 27th. The ADU Ordinance amendments are headed to Council in
15 June. City Council held a Cannabis Worksession on March 20th, the Council wants another
16 Worksession. Staff has discussed the Council Resolution on Student Housing Now and is
17 reviewing the Resolution and will propose the next steps. Next Planning Commission meeting is
18 on April 18th which will include an Adeline Corridor update and a new public hearing of 1050
19 Parker. First Council Joint Subcommittee on Housing State Laws on April 17th and will discuss
20 the state laws and council referrals related to housing. The ZORP Subcommittee will meet at the
21 end of April or beginning of May.

22 **COMMUNICATIONS IN PACKET:**

- 23 • 2018-03-21 – Edward Moore, Proposed Local Legislation Regarding Density Bonuses,
24 Item 9
- 25 • 2018-03-21 – Nathan Dahl, Community Gardens Levels of Discretion Table, Item 10
- 26 • 2018-03-21 – Cynthia Tate Elliott, Correction of Letter to Planning Commission, R-1A
- 27 • 2018-03-21 – Charles Pappas, Pardon Me Revised Cannabis Action

28
29 **LATE COMMUNICATIONS** (Received after the Packet deadline):

- 30 • 2018-03-21 – Christina Oatfield, SELC, Support Berkeley Urban Agriculture

- 31 • 2018-03-21 – Berkeley Community Garden Collaborative, Community Gardens and
- 32 Structures
- 33 • 2018-03-21 – EBMUD, Briefing Invitation April 5, 2018

34
35 **LATE COMMUNICATIONS** (Received and distributed at the meeting):

- 36 • 2018-03-21 – Amir Wright, Berkeley Student Housing Now Alternative Proposal
- 37 • 2018-03-21 – Kelly Hammargren, Affordable Housing and Density Bonus

38 **CHAIR REPORT:** Chair Schildt announced she attended the Adeline Corridor Workshop and it
39 will be opened until Friday, March 23rd. Chair Schildt has discussed with staff and reported that
40 staff is working with a consultant to review the new State Housing Laws.

41 **COMMITTEE REPORT:** The Affordable Housing and Community Benefits Subcommittee
42 discussed a bundle of referrals related the Southside Plan including parking, ground floor
43 residential, etc. at their last meeting. The Subcommittee wanted to start to focus on Southside
44 Plan bundle of referrals, and continue discussing Density Bonus 3 phase project.

45 **7. APPROVAL OF MINUTES:**

46 Motion/Second/Carried (RK/JV) to approve the Planning Commission Meeting Minutes from
47 February 21, 2018. Ayes: Lacey, Beach, Martinot, Schildt, Kapla, Vincent, Wrenn, Pinto, Fong.
48 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

49
50 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

51 **AGENDA ITEMS**

52 **9. Action: Public Hearing: 1050 Parker Street Parcels Rezone and General**
53 **Plan Amendment**

54 Staff announced that this project needs to be re-noticed and a new Public Hearing will be
55 sent out in the next two weeks for the April 18th meeting. Staff requests that the Commission
56 close the continued open public hearing at this meeting.

57 Public Comments: 1 speaker.

58 Motion/Second/Carried (CS/RK) to close the public hearing to allow staff to re-notice and bring
59 back a new public hearing at the April 18th meeting. Ayes: Lacey, Beach, Martinot, Schildt,
60 Kapla, Vincent, Wrenn, Pinto, Fong. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

61
62 **10. Action: Public Hearing: Density Bonus**

63 Staff briefly presented the staff report on the proposed Density Bonus Ordinance and the
64 repeal of Section 23C.12.050. Staff provided two recommended actions for the Planning
65 Commission consideration, including repeal Section 23C.12.050 and adopt new Density
66 Bonus, Chapter 23C.14. In addition, staff mentioned that there were a non-substantive

67 change to the proposed language in the public hearing and asks the commission to adopt
68 these changes.

69 The Commission discussed the proposed Density Bonus Ordinance and made a list of
70 amendments to the proposed language, listed in the motion below. The Commission
71 discussed a way to have developers provide review of the financial numbers for the project
72 by a 3rd party. The Commission also advised that the administrative regulations add
73 procedures on how the City deals with replacement units for Density Bonus.

74 Motion/Second/Carried (BF/CS) to close public hearing. Ayes: Lacey, Beach, Martinot, Schildt,
75 Kapla, Vincent, Wrenn, Pinto, Fong. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

76
77 Motion/Second/Carried (BF/RK) to recommend to Council repealing 23C.12.050 and adopt
78 new chapter 23C.14 with amendments to the proposed language including: 1) add language
79 to 23C.14.030.E to obligate developers to provide 3rd party impartial analysis of the financial
80 needs if applying for concessions or incentives; 2) add staff proposed language to
81 23C.14.030.F and G; 3) add new section 23C.14.030.I regarding replacement units; 4) move
82 text from 23C.14.050 and add to Section 060, and change all 'waivers and reductions' to
83 'incentives and concessions'; 5) correct typo on line 105 (in Section 23C.14.050.A.2); 6) create
84 language from state laws regarding waivers and reductions in Section 23C.14.050; 7) remove
85 second sentence of Section 23C.14.080. Ayes: Lacey, Beach, Martinot, Schildt, Kapla,
86 Vincent, Wrenn, Pinto, Fong. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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88 Public Comments: 5 speakers.

89 **11. Discussion: Urban Agriculture**

90 Staff presented a proposed approach (4 steps) to establish Urban Agriculture use on vacant
91 lots in response to two Council referrals. The Commission asked questions and discussed
92 staff's proposed approach. The Commission directed staff to establish the new Urban
93 Agriculture use as more permissible as what the staff proposed, including allowing: larger
94 group class instruction, greater lot coverage for accessory structures and buildings, remove
95 retails sales of produce and products as a threshold, and require only a Zoning Certificate for
96 LIUA in all Zoning Districts except for the ES-R. The Commission also requested that staff to
97 ask the City Attorney if the City is allowed to have non-pesticide use as a threshold.

98 Public Comment: 4 speakers.

99 **The meeting was adjourned at 9:26 pm**

100 **Commissioners in attendance: 9 of 9**

101 **Members in the public in attendance: 19**

102 **Public Speakers: 18 speakers**

103 **Length of the meeting: 2 hour and 21 minutes**